

USA PATRIOT Act

Summary of Proposed Changes to Conference Report

Judicial Review of Section 215 Non-Disclosure order

- Explicit judicial review of a section 215 non-disclosure order.
 - Recipient may challenge non-disclosure order after one year of receipt.
- Judge may overturn the non-disclosure order if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.
- If the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the FBI certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive, unless the judge finds that the certification was made in bad faith.

Naming of Attorney for NSL Recipients

- Removes from the conference report the requirement that a person inform the FBI of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to a NSL order.

Applicability of NSL's to Libraries

- Adds clarification to current law that libraries, when functioning in their traditional roles, including providing Internet access, are NOT subject to section 2709 NSL's.